



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,470	04/12/2004	Ching-Chang Wang	CFP-2382 (20040119.ORI)	3139
23595	7590	04/05/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			BURNHAM, SARAH C	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,470

Applicant(s)

WANG, CHING-CHANG

Examiner

Sarah C. Burnham

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 12-15 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 11 and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected embodiment, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 10, 2005.

2. Applicant's election with traverse of claims 1-10, 12-15 and 17-19 in the reply filed on March 10, 2005 is acknowledged. The traversal is on the ground(s) that the mere existence of multiple embodiments is not a basis for restriction. This is not found persuasive because the embodiments disclosed in the instant application incorporate different elements. Each variation requires additional searching by the Examiner and therefore warrants extra effort on the part of the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-¹⁵~~16~~ are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.


3/26/05

In claim 12, Applicant recites "a detent for insertion into one of the recesses of the stationary tube" in line 8. It is not disclosed that the stationary tube has recesses. Did Applicant intend to state that the detent was for insertion into one of the recesses in the positioning tube? Clarification is requested.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4, 8-10, 12-15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (6,398,309). Chen discloses an armrest assembly (Figure 2) comprising: a stationary tube (40) for attachment to a chair (un-illustrated), the stationary tube comprising recesses (45) in an internal face (unlabeled); a moveable tube (20) inserted in the stationary tube (40), the moveable tube defining an aperture (25); an armrest (10)(60) installed on the moveable tube (20); a detent (27) for insertion into of the recesses (45) of the stationary tube (40) through the aperture (25) of the moveable tube; a rod (30) put in the moveable tube (20), the rod defining a recess (unlabeled) defined by angled side (374) for receiving the detent (27), the recess of the rod comprising a shallow portion (i.e. the space located along the side of the angled portion (374)) and a deep portion (i.e. the space located along the narrow nose of the

follower (37)); and a lever (36) connected with the rod (30) and installed on the armrest (60) in order to move the rod so as to control the detent (27).

With respect to claim 2, the armrest assembly further comprises a pad (10) installed on the armrest (60).

With respect to claim 4, the armrest (60) defines an aperture (61), wherein the lever (36) comprises a button (i.e. the protruding portion of lever (36)) extending through the aperture (61).

With respect to claim 8, the assembly further comprises an elastic element (38) for connecting the rod (30) to the moveable tube (20).

With respect to claim 9, a plug (21) is fit in the moveable tube (20), wherein the elastic element (38) connects the rod (30) with the plug (21).

With respect to claim 10, a sleeve (60) is attached to the armrest in order to cover the moveable tube (40).

With respect to claim 12, Chen discloses an armrest assembly (Figure 1) comprising: a stationary tube (50) for attachment to a chair (un-illustrated); a positioning tube (40) fit in the stationary tube (50), the positioning tube (40) comprising recesses (45) in an internal face (unlabeled); a moveable tube (20) inserted into the stationary tube (50), the moveable tube (20) comprising an aperture (25); an armrest (60) installed on the moveable tube (20); a detent (27) for insertion into one of the recesses (25) of the positioning tube (40) through the aperture (25) of the moveable tube (20); a rod (30) put in the moveable tube; the rod defining a recess (unlabeled) defined by angled side (374) for receiving the detent (27), the recess of the rod comprising a shallow portion

Art Unit: 3636

(i.e. the space located along the side of the angled portion (374)) and a deep portion (i.e. the space located along the narrow nose of the follower (37)); and a lever (36) connected with the rod (30) and installed on the armrest (60) in order to move the rod so as to control the detent (27).

With respect to claim 13, the positioning tube (40) comprises a flange (unlabeled) for abutment with the stationary tube (50).

With respect to claim 14, the positioning tube (40) comprises two halves (41)(42).

With respect to claim 15, each of the halves (41)(42) comprises a flange (unlabeled) for abutment with the stationary tube (50).

With respect to claim 17, Chen discloses a stationary tube (40) for attachment to a chair (unlabeled), the stationary tube comprising pairs of recesses (45) on an internal face (unlabeled); a movable tube (20) inserted in the stationary tube (40), the moveable tube comprising two apertures (25); an armrest (60) installed on the moveable tube (20); two detents (27) for insertion into one of the pairs of recesses (45) of the stationary tube (40) through the apertures (25) of the movable tube; a rod (30) put in the movable tube (20), the rod defining two recess (unlabeled) defined by each angled side (374) for receiving the detent (27), the recesses of the rod comprising a shallow portion (i.e. the space located along the side of the angled portion (374)) and a deep portion (i.e. the space located along the narrow nose of the follower (37)); and a lever (36) connected with the rod (30) and installed on the armrest (60) in order to move the rod so as to control the detent (27).

With respect to claim 18, an elastic element (38) for connecting the rod (30) with the movable tube (20) is disclosed.

With respect to claim 19, a plug (21) is fit in the moveable tube (20), wherein the elastic element (38) connects the rod (30) with the plug (21).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (6,398,309) in view of Lee (6,139,107). As disclosed above, Chen reveals all claimed elements with the exception of an armrest that comprises two bearing formed thereon and a lever comprises a shaft supported on the bearings.

Lee discloses a lever (23) comprising a shaft (unlabeled) best disclosed in Figure 1 on which springs (21) are located. The shaft is located in two small holes (unlabeled) in the armrest (20). These two holes serve as bearings.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to attach lever (36) disclosed by Chen to the armrest (60) in the manner taught by Lee. Such a modification would create a more stable lever, biased by springs (21), that is less likely to accidentally activate and modify the orientation of the armrest.

Allowable Subject Matter

9. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Chu et al. (6,419,323); Roslund, Jr. et al. (6,619,746); Corwin (5,620,233); Chen (6,209,961) and Lee (6,336,680).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315 (after April 7, 2005 (571) 272-6854). The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCB
March 22, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600